

### **Remarks**

#### **A. Restriction Requirement**

The Restriction Requirement requests Applicants to elect between product claims (Group I, claims 1-18 and 75-88) and process claims (Group II, claims 19-74). Applicants have elected Group I, with traverse. Applicants respectfully request reconsideration of the Restriction Requirement.

It would not be an unreasonable additional burden to search both the product and process claims. Indeed, as noted in the Restriction Requirement on page 2, both sets of claims are in the same class and subclass (class 424, subclass 757). Moreover, references that might be discovered in a search for the composition and kit would most likely disclose uses of whatever product is disclosed therein. In addition, Applicants expect that the Examiner will search for references concerning uses of components of Applicants' claimed composition and kit in order to determine that Applicants' claims are not obvious. Thus, Applicants submit that a search for the product claims would cover the references that might be relevant to the process claims. Any additional separate searching for the process claims, if necessary at all, would be minimal. Accordingly, Applicants request withdrawal of the Restriction Requirement.

#### **B. Species Election**

The Restriction Requirement on pages 2-3 requests Applicants to elect a species defined in the Restriction Requirement by "additional dietary ingredient[s]" for prosecution on the merits. Applicants elect the species that additionally comprises corosolic acid, magnesium, zinc, taurine, vanadium, and alpha lipoic acid, with traverse. Claims 1-18 and 75-86 read on the

elected species. Applicants reserve the right to have additional species examined upon allowance of a generic claim.

Although Applicants have made the provisional election above, Applicants respectfully request reconsideration of the request for election of species. The Restriction Requirement identifies just 3 species of Applicants' composition and kit. Moreover, the Restriction Requirement indicates that all the species fall within the same class and subclass (as it states that all the product claims are in the same class and subclass). It would not be an unreasonable burden to search two additional species in the same class and subclass.

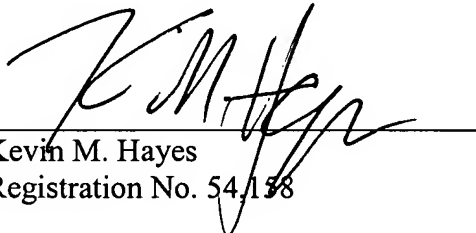
**Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration of the Restriction Requirement and the request for an election of species. The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes that any discussion of this matter would be helpful.

Respectfully submitted,

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